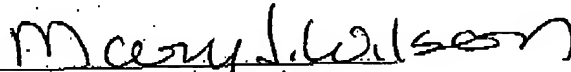


RECEIVED
CENTRAL FAX CENTER

FEB 27 2006

Nixon & Vanderhye PC.

ATTORNEY AT LAW

11TH FLOOR
901 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22203-1808TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4011**FACSIMILE COVER SHEET**
PLEASE DELIVER IMMEDIATELY!!!!Atty Dkt.: 620-262 Date: February 27, 2006To: Examiner Humphrey, L. - Group: 1648
Firm: USPTO
Facsimile No.: (571) 273-8300
From: Mary J. WilsonNumber of Pages (including cover sheet): 5
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).Tabitha A. Trice
FACSIMILE OPERATOR**CERTIFICATION OF FACSIMILE TRANSMISSION**I hereby certify that this paper and any noted attachments are being facsimile transmitted to the Patent
and Trademark Office on February 27, 2006.
Mary J. WilsonATTACHMENT/S: **OFFICIAL RESPONSE****MESSAGE:**

In re PATENT APPLICATION OF:

DAVIS POYNTER et al.
Serial No.: 10/626,832
Filed: July 25, 2003
For: VIRAL MARKER**CONFIDENTIALITY NOTE**The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally
privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU
ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE
WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to arrange for

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 620-262
C# M#RECEIVED
CENTRAL FAX CENTER

DAVIS POYNTER et al.

TC/A.U. 1648

Serial No. 10/626,832

Examiner: Humphrey, L.

Filed: July 25, 2003

Date: February 27, 2006

Title: VIRAL MARKER

FEB 27 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tatNIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
FEB 27 2006

In re Patent Application of

Atty Dkt. 620-262
C# M#

DAVIS POYNTER et al.

TC/A.U. 1648

Serial No. 10/626,832

Examiner: Humphrey, L.

Filed: July 25, 2003

Date: February 27, 2006

Title: VIRAL MARKER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tatNIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DAVIS POYNTER et al.

Appl. No. 10/626,832

Filed: July 25, 2003

For: VIRAL MARKER

Atty. Ref.: 620-262; Confirmation No. 9237

TC/A.U. 1648

Examiner: Humphrey, L.

**RECEIVED
CENTRAL FAX CENTER****FEB 27 2006**

* * * * *

February 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the Examiner's requirement for restriction, set forth in the Office Action dated January 31, 2006, in the above. Applicants elect the subject matter of Group II (claims 4-24 and 42) for prosecution in this application. The election is made with traverse and the Examiner is urged to reconsider and withdraw the requirement for restriction at least as between the claims of Groups I and II. It is noted that these two Groups are classed and subclassed identically and thus it is submitted that no undue burden would be placed on the Examiner from a searching perspective if all of claims 1-24 and 42 were to be considered in this application.

As regards the Examiner requirement for election of a single sequence, it is not clear why this requirement should apply to Group II and the Examiner is requested to clarify her position in this regard. Nonetheless, Applicants elect the sequence of SED ID NO:1 (complete V592 genome) should the Examiner maintain her position.

DAVIS POYNTER et al.
Appl. No. 10/626,832
February 27, 2006

In response to the Notice to Comply that accompanies the Office Action, attention is respectfully directed to the Preliminary Amendment and Rule 52 Transmittal Letter filed June 7, 2004. Given Rule 52, and the fact that 3 CD-R discs containing the Sequence Listing were submitted on June 7, 2004, nothing further is understood to be required but, should the Office take a different view, the Examiner is respectfully requested to point out any deficiencies in the June 7 filings so that Applicants will be better placed to respond.

An early and favorable Action on the merits is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100